

### REMARKS/ARGUMENTS

The final office action of December 1, 2006, has been carefully reviewed and these remarks are responsive thereto. Claims 1, 9, and 20 have been amended to place the claims in a more preferred form. Claim 48 has been added. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-21, 27-43, and 46-48 remain pending.

Preliminarily, Applicants note with appreciation the courtesies extended to the undersigned by Examiner Bilgrami during the personal interview on July 13, 2007. The following remarks include Applicants' report of the substance of interview pursuant to MPEP § 713.04.

Claims 1-23 and 27-47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Birdwell et al. (U.S. Pat. No. 6,108,706, hereinafter referred to as *Birdwell*) in view of Robinson (U.S. Pat. No. 6,618,585, hereinafter referred to as *Robinson*). Applicants respectfully traverse.

In order to establish a *prima facie* case of obviousness under § 103(a), three criteria must exist: 1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings; 2) there must be a reasonable expectation of success; and 3) the prior art reference(s) must teach or suggest all the claim limitations. See MPEP § 706.02 (j); *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991).

Applicants' claim 1 recites, among other features, "the unsolicited information being received by a communication device based upon the communication device being targeted for receiving unsolicited information based upon a user profile associated with the communication device." As agreed during the Interview of July 13, 2007, the combination of *Birdwell* and *Robinson* fails to teach or suggest at least this feature. As such, Applicants' amended claim 1 is allowable over the art of record and Applicants respectfully request the withdrawal of the rejection.

Applicants' independent claim 9 includes similar features as described above with respect to Applicants' claim 1. Thus, for at least similar reasons as explained above with respect to

Applicants' claim 1, Applicants' claim 9 is patentably distinct over the combination of references.

Applicants' claims 2-8, 27-31, and 48 and 10-23 and 32-47, which depend on claims 1 and 9, respectively, are patentably distinct over the art of record for at least the same reasons as their ultimate base claim and further in view of the novel features recited therein.

### **CONCLUSION**

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. Should the Examiner find that a telephonic or personal interview would expedite passage to issue of the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below. If any additional required fees are or if an overpayment has been made the Commissioner is authorized to charge or credit Deposit Account No. 19-0733. Applicants look forward to passage to issue of the present application at the earliest convenience of the Office.

Respectfully submitted,  
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